

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION

No. 12-md-2323 (AB)

MDL No. 2323

THIS DOCUMENT RELATES TO:

Plaintiffs' Master Administrative Long-  
Form Complaint and:

Marvin Fleming, et al. v. National Football  
League, et al. (Plaintiffs Albert Dixon and  
Charlene Frost-Dixon ONLY)

Court File No. 13-cv-51-AB

**PETITION TO ESTABLISH**  
**ATTORNEY'S LIEN**

Petitioner, Brian C. Gudmundson for Zimmerman Reed LLP ("Zimmerman Reed"), pursuant to Minn. Stat. § 481.13 and pursuant to the executed Agreement for Legal Services section titled "Termination" petitions and states as follows:

1. Petitioner is an attorney at law admitted to practice before the courts of Minnesota and files this Petition to establish a lien for attorney's fees as set forth hereinafter.

2. On or about June 1, 2012, Petitioner was retained and employed by the Plaintiffs, Albert Dixon and Charlene Frost-Dixon, pursuant to an agreement for legal services, to pursue a claim for injuries and damages allegedly caused by the National Football League's conduct associated with football-related concussions, head, and brain injuries.

3. The specifics of the agreement for legal services are as follows: If no recovery (by settlement or trial) is obtained client will not owe a legal fee. If Zimmerman Reed obtains a settlement or judgment for Client, Client will pay to Zimmerman Reed twenty percent (20%) of the gross recovery plus reimbursement of expenses.

4. When Petitioner entered into contract with Plaintiffs, Petitioner entered into the risk and expense of the litigation before any settlement discussion had been held. Pursuant to this agreement, the Petitioner filed a Complaint on January 4, 2013 in this matter on behalf of the Plaintiffs, which is the subject of the instant action.

5. From the date the Petitioner was authorized to proceed on behalf of the Plaintiffs, the Petitioner has actively and diligently investigated, prepared, and pursued Plaintiffs' claims, and has taken all steps necessary to prosecute those claims, including, but not limited to, the preparation and filing of complaints, correspondence and communications with the client, preparation and review of client's factual and legal circumstances, retaining experts, drafting and providing client updates, analyzing Plaintiff's medical status and need for medical testing, etc.

6. Throughout this litigation, Petitioner's partner, Charles S. Zimmerman, has served and continues to serve on the Plaintiffs' Steering Committee, which has inured to the Plaintiffs' benefit with Zimmerman Reed's representation.

7. The Plaintiffs have been non-responsive to Zimmerman Reed and it is expected that a new attorney is pursuing representation of the Plaintiffs in this action.

8. Zimmerman Reed notified Plaintiffs that it would move the Court to withdraw as counsel on their behalf and would request an attorney's lien on any potential claim.

9. Petitioner was not terminated due to any malfeasance or other improper action.

10. The Petitioner claims the right to have a lien for attorney's fees and expenses established and enforced upon any sums to be derived from any settlement or judgment obtained or to be obtained by Plaintiffs in this action.

WHEREFORE, the Petitioner prays:

1. That an attorney's lien be established;
2. That the amount of the lien be determined;
3. That the Court order that Petitioner be entitled to enforce an attorney's lien against the proceeds to be derived from any settlement or judgment in this action;
4. That the Defendant or the Defendant's insurer be prohibited from paying to the Plaintiffs any sums of money until said lien has been satisfied; and
5. For such other further relief as this Court deems just.

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Dated: February 25, 2019

Respectfully submitted,

ZIMMERMAN REED LLP

s/ Brian C. Gudmundson

Charles S. Zimmerman (#120054)

J. Gordon Rudd, Jr. (#222082)

Brian C. Gudmundson (#336695)

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**CERTIFICATE OF SERVICE**

I hereby certify that I caused the foregoing Petition to Establish Attorney's Lien to be served via the Electronic Case Filing (ECF) system in the United States District Court for the Eastern District of Pennsylvania, on all parties registered for CM/ECF in the litigation.

Dated: February 25, 2019

ZIMMERMAN REED LLP

s/ Brian C. Gudmundson  
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